

## REMARKS

### **INTRODUCTION:**

In accordance with the foregoing, claims 1, 2, 8-14, 22-23, and 25 have been amended. Claims 3-7 and 15-21, and 24 have been cancelled without any prejudice.

Reconsideration is respectfully requested.

### **AMENDED CLAIMS 1, 2, 8-14, 22-23, and 25**

#### **REJECTION OF CLAIMS 1, 8, 22-23, AND 25 UNDER 35 U.S.C. §102(e):**

In the Office Action, at page 2, numbered paragraph 2, claims 1, 8, 22 and 23 are rejected under 35 U.S.C. §102(e) as being anticipated by Landom et al. (U.S. Patent No. 6,604,088) (hereinafter, "Landom"). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). This rejection is respectfully traversed because Landom does not teach the elements of claims 1, 8, 22-23, and 25, as amended.

Landom discloses a system and method for automatically providing price quotes for various barcode printing supply products, such as tags, labels, ink ribbon cassettes, and the like. In particular, the system displays and changes a default quote of a particular product in response to a user input changing the value of the default quote and automatically displays any changes in other variables related to the user input. Landom, column 3, lines 44-57.

In a non-limiting example, each of amended independent claims 1, 8, 22, and 23, relates to an illustrative situation that occurs when an automobile manufacturer's automobiles must be sold by an automobile dealer (third party) and the automobile manufacturer is prevented from providing an estimated price of its automobiles with potential customers and the automobile manufacturer is only allowed to provide a manufacturer's suggested retail price (catalog price) with potential customers. Thus, in view of the above-problem in the field of automobile sales, when a user (purchaser) accesses a website of an automobile manufacturer, the user is able to select a catalog price of an automobile with desired specifications, which is achieved by a first database and a first price providing means. The user is then able to obtain an automobile dealer's estimated price of the automobile with desired specifications, which is achieved by a second database and a second price providing means. Therefore, the database of the

automobile manufacturer's suggested retail prices is separately managed from the database of the dealer's estimated prices. Further, the user is provided with the name of the automobile dealer selected by the user and not the name of the automobile manufacturer, thereby allowing the user to correspond with the automobile dealer.

In contrast to Landom, independent claim 1 of the present application, as amended, recites, "An estimated price providing apparatus for an automobile comprising: ... a **first database** in which an automobile manufacturer's suggested retail prices are registered ... **at least one second database** in which an automobile dealer's estimated prices are registered ... **dealer select means** for allowing the user to select an automobile dealer by operations from the information terminal ..." (emphasis added)

Landom does not teach or suggest an estimated price providing apparatus for an automobile that separately manages an automobile manufacturer's suggested retail price of the automobile and an automobile dealer's estimated price of the automobile by storing the manufacturer's suggested retail price and the automobile dealer's estimated price in separate databases such that the user is provided with the automobile dealer's estimated price and a name of the dealer, as is disclosed in claim 1 of the present application. Instead, Landom merely discloses a system and method for automatically providing and displaying price quotes for various barcode printing supply products. Landom does not teach or suggest having the system include a database dedicated to a manufacturer of a particular product and at least one other database dedicated to a seller of the particular product.

Therefore, for at least the reason discussed above, it is respectfully submitted that independent claim 1 is distinguishable over Landom.

Further each of independent claims 22-23 and 25, as amended, similarly recites the features discussed above with respect to claim 1. Therefore, for at least the reasons that claim 1 is distinguishable over Landom, it is respectfully submitted that each of claims 22, and 23 also distinguishes over Landom.

Further dependent claim 8 depends from independent claim 1. Therefore, for at least the reasons that independent claim 1 patentably distinguishes over Landom, it is respectfully submitted that claims 8 also distinguishes over Landom.

**REJECTION OF CLAIMS 2 AND 9-14 UNDER 35 U.S.C. §103(a):**

In the Office Action, at page 3, numbered paragraph 5, claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Landom et al. (U.S. Patent No. 6,604,088). In the Office Action, at page 3, numbered paragraph 6, claims 9-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hanzek (U.S. Patent No. 6,654,726) in view of Landom et al. (U.S. Patent No. 6,604,088). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). This rejection is respectfully traversed because neither Landom nor Hanzek, alone or in combination, teaches or suggests all of the claim limitations of claims 2 and 9-14, as amended.

As discussed above, Landom discloses a system and method for automatically providing price quotes for various barcode printing supply products, such as tags, labels, ink ribbon cassettes, and the like. In particular, the system displays and changes a default quote of a particular product in response to a user input changing the value of the default quote and automatically displays any changes in other variables related to the user input. Landom, column 3, lines 44-57.

Hanzek discloses a system and method for promoting automobile sales. In particular, Hanzek relates to a method of status inquiry and tracking related to orders for consumer products having specific configurations. The consumer is provided real-time information, prior to the placement of an order or purchase, regarding the availability and status of configured product in relation to the product's manufacturing and delivery process. Hanzek, column 2, lines 57-67.

Each of claims 2 and 9-14 of the present application depends from independent claim 1. Therefore, it is respectfully submitted that each of claims 2 and 9-14 patentably distinguishes over the references relied upon by the Examiner for at least the reasons that independent claim 1 is distinguishable.

Further, upon reviewing the Office Action, the Examiner has not acknowledged receipt of certified copies of the priority documents. Applicant filed a Submission of Certified Copy of Prior Foreign Application pursuant to 37 C.F.R. §1.55 on January 17, 2002. The request has not been entered as of September 3, 2004. Applicant respectfully requests that the application be given the benefit of the priority date of the foreign filing date as evidenced by the certified papers attached to the 37 C.F.R. §1.55 Application. A copy of the 37 C.F.R. §1.55 Application is

attached to the Amendment for your convenience.

Further, Applicant has not yet received the initialed PTO-1449 form indicating the Examiner's consideration of the IDS filed on September 17, 2002. Applicant respectfully requests that the Examiner provide the signed IDS indicating that the references have been considered.

**CONCLUSION**

In accordance with the foregoing, it is respectfully submitted that all outstanding rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 9/3/04

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